

Message Text

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PAGE 01 DURBAN 00214 141919Z

60

ACTION AF-18

INFO OCT-01 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 DRC-01 /108 W

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R 141400Z JUN 74

FM AMCONSUL DURBAN

TO SECSTATE WASHDC 1739

INFO AMEMBASSY PRETORIA

AMCONSUL JOHANNESBURG

AMCONSUL CAPE TOWN

AMEMBASSY DAKAR

AMEMBASSY LUSAKA

UNCLAS DURBAN 0214

E.O. 11652: N/A

O

TAGS: PINS, SF

SUBJ: DEFAMATION CASE RAISES ISSUE OF FREEDOM OF SPEECH

REF: DURBAN 197

1. MOTION FOR DISMISSAL BY DEFENDANTS IN DEFAMATION CASE INSTITUTED BY FORMER MINISTER JUSTICE PELSER AGAINST SUNDAY TIMES AND PROFESSOR VAN NIEKERK (REFTEL) HEARD IN PIETERMARITZBURG SUPREME COURT BEFORE ACTING JUSTICE HILL JUNE 11 AND 12. JUSTICE HILL RESERVED JUDGMENT UNTIL AFTER END COURT'S UPCOMING JULY RECESS.

2. COUNSEL FOR DEFENDANTS FOLLOWED EXPECTED ARGUMENTATION, NAMELY THAT NO GOVERNMENT EMPLOYEE CAN EMERGE FROV WITHIN A GOVERNMENT TO QCLAIM DEFAMATION AS RESULT CRITICISM OF THAT GOVERNMENT OR ITS POLICIES. COUNSEL FOR STATE INSISTED THIS WAS ORDINARY CASE OF DEFAMATION, NOT INVOLVING SERIOUS CONSTITUTIONAL ISSUES AS ALLEGED. IT LIKELY THAT IN VIEW GRAVE ISSUES RAISED BY DEFENSE, ISSUE WILL EVENTUALLY REACH APPEALS

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COURT IN BLOEMFONTEIN.

3. PRESENCE OF AMERICAN PROFESSOR WILLIAM L. CHURCH AS
OBSERVER FOR INTERNATIONAL COMMISSION OF JURISTS AND LAWYERS
COMMITTEE FOR CIVIL RIGHTS UNDER LAW (STATE 110566) WIDELY
NOTED IN PRESS ACCOUNTS.

4. FULL SET PRESS CLIPPINGS POUCHED TO L/AF.
HOLMES

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEFAMATION, TRIALS, POLITICAL FREEDOM
Control Number: n/a
Copy: SINGLE
Draft Date: 14 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974DURBAN00214
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740155-0657
From: DURBAN
Handling Restrictions: n/a
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Reference: DURBAN 197
Review Action: RELEASED, APPROVED
Review Authority: WorrelSW
Review Comment: n/a
Review Content Flags:
Review Date: 17 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 SEP 2002 by PhilliR0>; APPROVED <14 JAN 2003 by WorrelSW>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

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To: STATE
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